IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19023 of 2004

Between:

G. Shankar E-675017, S/o Poshetti, 46 years,
Nizamabad-II Depot, Nizamabad.

..... PETITIONER

AND

The Andhra Pradesh State Road Transport Corporation rep. by its Depot Manager, II Deptot Nizamabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, especially one in the nature of Writ of Mandamus: i) declaring the impugned proc. No. 02/95 (14)/03-NZB.2 dated 5/10/2004 issued by the Depot Manager, APSRTC. II Depot Nizamabad as illegal, arbitrary and set aside the same duly issuing a direction to reinstate the petitioner into service with all consequential benefits or in the alternative, direct the respondent to refer the disputed document to the handwriting experts, to find out the correctness of the charge alleged against the petitioner.

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondent: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He was issued a Charge memo dated 11.10.2003 and Charge-sheet dated 07.11.2003. He was kept under suspension on the allegation of Cash and ticket irregularity that he altered the figures of Rs.4/- denomination in the Star No.07/239602, dated 6/7.7.2003 and pocketed Rs.16/-. The petitioner submitted his explanation and an enquiry was conducted. The disciplinary authority after accepting the enquiry report issued a final show cause notice on 05.10.2004 proposing to remove the petitioner from service. During the pendency of the matter for submitting his explanation, he approached this Court through this writ petition seeking to hold that the show cause notice dated 05.10.2004 as illegal and arbitrary and consequentially to set aside the same. When the disciplinary proceedings are pending before the Disciplinary Authority, whatever pleas the petitioner is proposing to take, he is entitled to take through his explanation to the final show cause notice to enable the disciplinary authority to pass appropriate order and in the event of the grievance against the said order, the petitioner is at liberty to carry the matter to the appropriate forum, but at this stage the petitioner is not entitled to approach this Court invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed as premature.

03.11.2004.

MRKR

To

1.The Depot Manager, II depot, Andhra Pradesh State Road Transport Corporation, Nizamabad.

2.Two C.D copies.